

December 1, 2021



SAR&HRC ENGAGEMENTSHIP
**ACADEMIC FREEDOM IN CANADIAN
HIGHER EDUCATION
A COMPARATIVE ANALYSIS**

K. Go, S. Houston, J. Kim, M. Liu,
N. Mendoza, A. Phuong, M. Roger, I. Soebroto

Licensing and Usage Rights

This work is licensed under the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.

To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-sa/4.0/> or send a letter to Creative Commons, PO Box 1866, Mountain View, CA 94042, USA.

Under this license, you are free to share and adapt the work under the following conditions:

- a. **Attribution** — You must give [appropriate credit](#), provide a link to the license, and [indicate if changes were made](#). You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.
- b. **NonCommercial** — You may not use the material for [commercial purposes](#).
- c. **ShareAlike** — If you remix, transform, or build upon the material, you must distribute your contributions under the [same license](#) as the original.

Please use this citation:

Go, K., Houston, S., Kim, J., Liu, M., Mendoza, N., Phuong, A., Roger, M., & Soebroto, I. (2021). *Academic Freedom in Canadian Higher Education: A Comparative Analysis*. Vancouver, BC.

Table of Contents

Preface	4
Project Context	
Introduction	
Methodology	5
Definition of Academic Freedom	6
Focus of Academic Freedom	8
Separation of Freedom of Expression/Speech	10
Case Study: Use of Language Controversy at the University of Ottawa	13
Separation of Harassment/Discrimination	14
Conclusion	17
References	18
Appendix	25
Table 1. Individual Institutional Comparison of Academic Freedom Policies	

Preface

Project Context

This comparative analysis was initiated as an opportunity for students to explore the current landscape of academic freedom in Canada by the Scholars at Risk and Human Rights Collective (SAR & HRC) and the Office of Regional and International Community Engagement (ORICE) at the University of British Columbia. The selected team of students engaged in a series of learning sessions, workshops and reflective dialogues while completing this study from September to December 2021.

Introduction

In recent years, academic freedom has become a contested subject. Academic freedom is a term that is used with increasing frequency, as its entanglement with freedom of expression debates, especially heated in university spaces, continues to be provoked by politicians and the wider public as part of the so-called “culture war” resulting from widening political polarization. However, what is academic freedom? Debate over the boundaries of academic freedom have not ceased, and the landscape shows a high degree of change and potential evolution.

Despite the intense debate, academic freedom and a precise and widely accepted definition has not yet emerged. While there are a number of widely accepted definitions of academic freedom, namely the 1997 UNESCO definition and the 2018 Canadian Association of University Teachers (CAUT) definition, all universities have adopted their own variations with ambiguous terms, which results in room for subjective interpretation.

At stake are the parameters of academic freedom, and where its perimeters extend to. While most universities have adopted the general themes of academic freedom as outlined by UNESCO and the CAUT, they still lack a comprehensive scope that addresses the inclusivity of students in their policies and the specific areas of academic life. Additionally, academic freedom policies for each institution vary on the separation and inclusion of freedom of expression/speech with very few defining the difference between these concepts. An example case study regarding a use of language controversy at the University of Ottawa demonstrates the importance of differentiating between concepts. Furthermore, academic freedom and harassment and discrimination policies are seen unrelated, but are actually important to each other. Within academic freedom, it is important to understand the possible barriers and limitations that may prevent proper protections and how each institution accounts for this.

Due to the unclear landscape surrounding academic freedom within the Canadian context as it pertains to universities and organizations, a comparative analysis of existing academic freedom policies is needed.

Methodology

In this research project we reviewed 23 university institutions across Canada, which are all members of SAR Canada. These university institutions were broken down into five regions: National, Central and Ontario, Québec, and Western. Below is the list of institutions per regional breakdown.

National: Canadian Association of University Teachers (CAUT)

Atlantic: Memorial University, St. Mary's University

Central + Ontario: George Brown College, Carleton University, McMaster University, Queen's University, Trent University, University of Guelph, University of Toronto, Western University, University of Winnipeg, University of Ottawa

Québec: McGill University, Université Laval, Université de Montréal, Université du Québec à Montréal

Western: Mount Royal University, Simon Fraser University, University of Alberta, University of British Columbia, University of Lethbridge, University of Victoria

Our research proceeds by looking into the university policies of these institutions on academic freedom. Drawing mainly from faculty collective agreements, freedom of expression/speech policies, academic freedom policies, harassment and discrimination policies, and student rights policies, we collected information on four dimensions of comparison: (1) the definition of academic freedom, (2) the focus and scope of academic freedom, (3) the separation of academic freedom from freedom of expression/speech policies, and (4) the separation of academic freedom from harassment and discrimination policies.

Definition of Academic Freedom

In order to discuss academic freedom in the realm of Canadian universities, it is first necessary to examine the baseline definitions that those universities take reference from. The most prominent and well-known definition of academic freedom is the one that UNESCO published on 1997 in their Recommendation concerning the Status of Higher-education Teaching Personnel;

“Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom, of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.” ([Recommendation concerning the Status of Higher-education Teaching Personnel, 1997, Article 27](#))

Similarly, the [CAUT Academic Freedom Policy Statement \(2018\)](#) follows the footsteps of the UNESCO definition. It stipulates that “all academic staff members have the right to academic freedom,” which entails “freedom from institutional censorship,” as well as reiterating the definition from UNESCO. As a result, it is no surprise that the majority of Canadian universities adopted this definition or drew elements from it. However, despite these widely recognized definitions, it should be noted that there is no universal definition amongst Canadian universities. Academic freedom is still a highly contested and ambiguous subject that leaves every university a freedom to interpret it differently, which leads us to examine distinct points that were commonly made by several universities.

One key phrase that was reiterated across various universities was the term “prescribed doctrine.” Deriving its origins from the 1997 UNESCO definition– “the right, without constriction by prescribed doctrine”– many universities (9 out of 23) adopt similar phrases in their definition ([The Road to the UNESCO Statement on Academic Freedom, 2017, 6](#)). Three universities replace the word “constriction” with “deference” (Memorial University, University of Guelph, University of Alberta), while the other three use the word “reference” (University of Toronto, Simon Fraser University, Queen’s University). Two Francophone universities, Université de Montréal and Université du Québec à Montréal, that include this element commonly use the phrase “without being obliged to adhere to a prescribed doctrine” (“*sans être obligé d’adhérer à une doctrine prescrite*”). McGill University, while not directly using the word ‘doctrine,’ uses the expression “political or disciplinary orthodoxies” ([Statement of Academic Freedom, n.d.](#)). While these quotes are almost directly drawn from the UNESCO definition, it should be noted that the phrase ‘prescribed doctrine’ is a highly ambiguous term that is subject to multiple interpretations. According to the [Cambridge Dictionary \(2021\)](#), *doctrine* refers to “a belief or set of beliefs, especially political or religious ones, that are taught and

accepted by a particular group.” What do these universities refer to by a ‘belief of a particular group’? Could it be the public opinion of the majority against a handful of minorities? Or vice versa? Ultimately, it remains highly unclear what the term ‘prescribed doctrine’ exactly refers to. While such ambiguity might allow for flexibility in interpreting issues surrounding academic freedom, which would surely evolve over the course of time, it is undeniable that the phrasing of words that is used in such documents must aim at being as clear and straightforward as possible to avoid potential dispute and confusion. The ambiguity that the term ‘prescribed doctrine’ creates is ultimately dangerous to the realm of academic freedom, as its obscurity creates a loophole that may enable potential abuses.

The definition given by the [CAUT Academic Freedom Policy Statement \(2018\)](#) gives a strong framework for other Canadian universities to create their individual definitions as it establishes necessary fundamental academic freedom rights. However, the absence of consensus in terms of defining academic freedom gives room for Canadian universities to interpret as they wish. Indeed, the CAUT’s vague definition leaves room for interpretation which is what certain universities did, namely by adding multiple rights to their version of academic freedom. For instance, Université Laval added the right to discuss as part of its academic freedom definition ([Énoncé institutionnel sur la protection et la valorisation de la liberté d’expression à l’Université Laval, 2021](#)). Without elaboration in the statement itself, we infer that the Université Laval valorizes the protection of individual freedom to critique and exchange intellectual discourses with peers of different opinions. While valorizing debate on the university campus is a positive statement, it can leave the door open for non-mainstream opinions to merge into it and create debates derogatory to certain communities of students.

In the same stream of Université Laval’s valorization of debates on campus, the University of Victoria and Simon Fraser University noted the right to challenge society as part of their definition of academic freedom. Many interrogations occur from “right to challenge society”, what critic, opinion or positionality are considered a challenge to society? On what basis can one’s voice be considered a challenge to society?

Interestingly, Université de Montréal positioned values of inclusivity, diversity and equity within academic freedom at the university. Indeed, the Université de Montréal created an Action Plan for Equity and Inclusivity ([Les libertés universitaires dans une université inclusive, 2020](#)). The university positions its definition of academic freedom within an inclusive university determined to fight discriminatory or hurtful behaviour and promote a spirit of living together in a pluralistic institution. The university intends to create different guides and activities mindful of classroom diversity while respecting its dedication to academic freedom. Moreover, intends to assure the pertinence and breadth of its teachings in relation to the multicultural aspect of the classrooms and positions academic freedom within the university within that same intention.

Focus of Academic Freedom

Who is Included?

While almost every institution analyzed in this report has some form of statement on their academic freedom policy, it is also important to recognize the distinct audiences of each policy. Through this comparative analysis, it is revealed that from the 23 higher education institutions in Canada examined here, only 8 explicitly extend academic freedom to students, while the rest limit academic freedom for faculty members. (See Appendix Table 1 for detailed breakdown.) The reality is that only 35% of the institutions included in this research acknowledge that students may need for protection against discrimination of their scholarly activity to the same degree that faculty members do has important implications for the state of academic freedom in Canada. As a comparison, we can observe two universities in Western Canada. The University of British Columbia has the most extensive inclusion of academic freedom, explicitly stating their policy will apply “not only to the regular members of the University, but to all who are invited to participate in its forum,” ([The University of British Columbia Academic Initiatives, Academic Freedom, 2021](#)). In contrast, Simon Fraser University states their Academic Freedom Policy in their [Collective Agreement \(2019\)](#) directed specifically towards “academic staff”.

To refer back to the most popular definition of academic freedom employed by several institutions, including Memorial University, “to teach, to learn, to carry out research, to publish, to comment, to criticize, to acquire and disseminate knowledge, to create, and to perform,” ([Memorial University Collective Agreement, 2019, Point 2.03](#)) and then further proceeding to deny students adequate protection implicitly undermines a student’s ability to generate work that is significant enough to be revolutionary in academia. Hence, the exclusion of students from academic freedom policies is harmful in fostering their potential; they are confronted with larger barriers in their academic pursuits. Another notable observation is the way in which some universities, such as University of Alberta, include students in their [Statement on Freedom of Expression \(2019\)](#) but not in their academic freedom policy as part of the [Collective Agreement \(2018\)](#). This only further emphasizes the disparities between what is expected of a faculty member versus a student. This also distinguishes freedom of expression as something that is more outward looking rather than academic freedom. For example, it is expected for schools to grant students the right to criticize a material, but giving them the freedom to research a topic that might be controversial does not come automatically. Lastly, it is interesting to address the area in which individuals might not perfectly fit within the category of student or faculty member. For example, undergraduate teacher’s assistants have obligations to teach and yet still qualify fully as students. Thus, although the odds of universities having academic freedom policies are high, the comprehensiveness differs between institutions.

What is Included?

Establishing which actors are explicitly recognized in academic freedom statements becomes a question of what particular actions are preserved under these policies. According to the language of the 1997 UNESCO Statement on Academic Freedom, the scope of acknowledged and protected action can be broken down into four basic pillars. [Recommendation concerning the Status of Higher-education Teaching Personnel \(1997\)](#) states that higher-education teaching personnel are able to (1) carry out research (2) disseminate and publish the results of said research (3) express their opinion about the institution in which they work (4) and participate in representative bodies. Most of these themes exist within the academic policies of the sample universities we have explored within this report. The four pillars of action, akin to the framework of a legal constitution, maintain an element of ambiguity that leaves it open to interpretation, should a moment of contestation between two or more parties occur. As noted in the case study below, prominent universities have faced contestation despite having well-developed academic freedom policies. A trend more often seen with smaller institutions does not face as much contestation. This is evidently seen within institutions such as George Brown College. The college makes it a point in their [Academic Freedom Policy \(2019\)](#) to claim how it has “not faced any testing pressures,” and that “no free speech questions/complaints have been brought up yet.”

Although this lack of contention may especially be evident within smaller institutions, this does not render them entirely unsusceptible. This is built on a reactionary response, leaving faculty members and students more vulnerable to future conflict. Employing a universal definition of academic freedom to address the various institutional aspects has the potential to close this gap of vulnerability. As mentioned earlier, the CAUT incorporates the UNESCO definition of academic freedom, making it the fundamental base of the CAUT's policies ([CAUT About Us](#)). However, the CAUT advances this definition into narrower areas of university life. Their comprehensive approach ranges from artistic expression, respectful workplace policies, and the assignment of student grades; all of which are not explicitly stated in the other explored universities. These areas of focus are often left out of policies and definitions across Canadian institutions. Because most universities solely adopt the UNESCO definition, this leaves other activities integral to academic life left unaddressed.

Separation of Freedom of Expression/Speech and Academic Freedom Policies

The third dimension of comparison analyzes the separation of academic freedom from freedom of expression/speech. For the purposes of this report, speech and expression are used interchangeably. This section will analyze the separation from freedom of expression/speech in two aspects: examples of the inclusion of freedom of expression/speech in academic freedom policies or alternatively, examples of stated separation between the two concepts.

Freedom of Expression is defined as “the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” ([Universal Declaration of Human Rights, Article 19, 1948](#)).

Mention of Freedom of Expression/Speech in Academic Freedom Policies

The first aspect compared the explicit versus implicit mention of freedom of expression/speech in the academic freedom policies. Implicit mention of expression was when freedoms within the academic freedom policies were related to the theme of dissemination without interference. These included freedom to research and publish, teach, and criticize. A more detailed breakdown of this can be found in the Appendix, Table 1. Explicit mention meant that the academic freedom policies used the exact phrase “freedom of expression/speech” or “free expression”. An example is from the CAUT which states “All academic staff members have the right to freedom of thought... [and] expression” ([CAUT Academic Freedom Policy Statement Point 4, 2018](#)).

Only 7 out of the 23 institutions (roughly 30%) had explicitly mentioned freedom of expression in their policies. A breakdown of those with explicit mention can be seen in Figure 1. One notable point is that none of the institutions in the West had an explicit mention, but, as seen in the second aspect, the West was the only region with clear distinction between concepts. Freedom of expression in Canada is a legalized right ([The Canadian Charter of Rights and Freedoms, Section 2\(b\), 2021](#)) and Canadian students are protected under this. However, the lack of comprehensive academic policies for freedom of expression/speech and continuous interchangeability between concepts can make it difficult to properly distinguish between the two concepts, unless explicitly outlined otherwise.

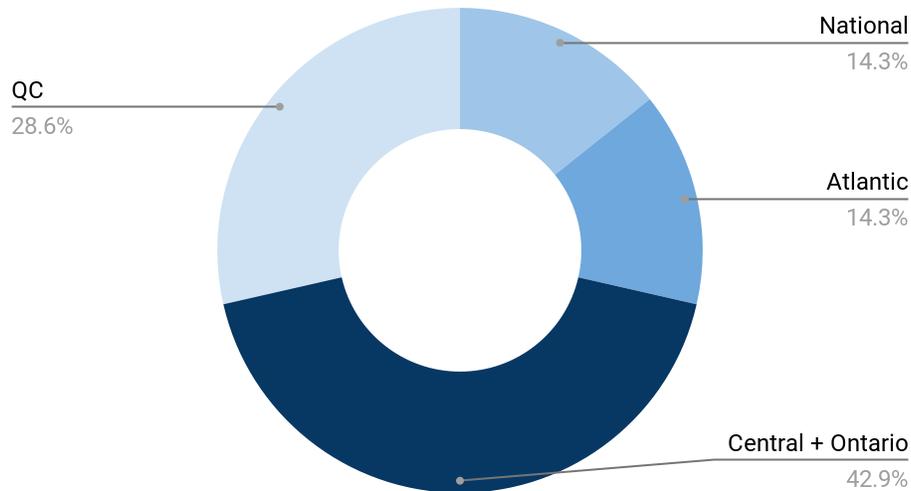


Figure 1. Explicit Inclusion of Freedom of Expression/Speech Regional Breakdown

Separation of Freedom of Expression/Speech From Academic Freedom

The second aspect analyzed the separation of freedom of expression/speech from academic freedom. Separation was divided into three categories: no distinction, limitation stated, and clear distinction between the concepts.

Institutions that fell into the first category of 'no distinction' lacked any separation stated between academic freedom and freedom of expression/speech. A notable pattern for institutions in this category was that they did not have a distinct freedom of expression/speech policy. For example, the University of Victoria which fell into the no distinction category, did not have a distinct freedom of expression/speech policy and only briefly mentioned freedom of speech in [UVic's Strategic Framework \(2018\)](#).

Institutions in the second category of 'limitation stated' were those that included a short paragraph that simply stated a relationship or lack thereof between policies. This is seen at the University of Toronto, which notes that the Freedom of Speech policy "is not intended to amend or qualify University policies on academic freedom" ([University of Toronto Statement on Freedom of Speech, 1992](#)).

The third category of a clear distinction had only two institutions: Mount Royal University and the University of British Columbia, making up less than 10% overall. For both institutions, this was done through an FAQ section of their corresponding websites ([UBC Academic Freedom FAQ 8](#); [Q&A MRU Expression and Free Speech Policy](#)). Figure 2 outlines the overall breakdown of each category. The appendix provides a more detailed analysis.

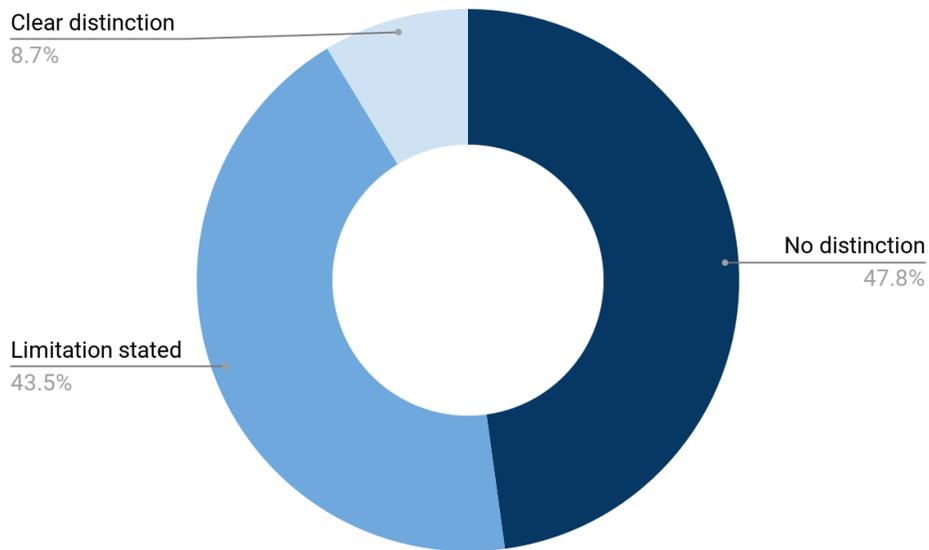


Figure 2. Overall breakdown of the three categories of separation

The concepts of academic freedom and freedom of expression/speech are similar and often mistakenly used for one another. Despite that, most institutions do not have a clear distinction within either policy. Furthermore, the policies of either concept can be seen as lacking in some institutions. Distinguishing between the two concepts is vital especially in situations where they may conflict. When this conflict occurs, having established policies for both concepts and a clear distinction can further inform the University's response to these actions, and without distinction it can create controversy, confusion and vulnerability for marginalized communities. See Case Study.

Case Study: Use of Language Controversy at the University of Ottawa

The separation of the two concepts, academic freedom and freedom of speech or expression, is not explicitly present in the policies of every institution. However, the vagueness surrounding the two concepts, and where the line between them is delineated, has become a topic of intense debate. While the debate ranges in its intensity, in recent years specific case studies have cropped up, reigniting pre-existing tensions in the context of the academy.

One such case of controversy regarding academic freedom was seen at the University of Ottawa in September of 2020. This incident involved a professor's use of a racial slur during a lecture to show how certain groups reclaim previously discriminatory words used against them ([The N-Word Controversy and Freedom of Speech Hits Academia, 2020](#)). A student filed a complaint against the stated professor and the professor was subsequently suspended.

Following the suspension, debates about academic freedom heated up and an open letter ([Open Letter: L'udo Bannit Un Mot, 2020](#)) in support of the professor was signed by over 500 Québec professors ([Ont signé "L'UdO bannit un mot, 2019](#)). The professor was eventually reinstated, but the controversy sparked efforts to more clearly define the differences between academic freedom and freedom of expression at the university. In response, the University of Ottawa administration created a committee with a reported mandate "to clearly define academic freedom and freedom of expression with a view to suggesting an oversight mechanism" ([Report of the Committee on Academic Freedom, 2021, 3](#)).

The [Report of the Committee on Academic Freedom \(2021\)](#) concluded that the committee was "against the exclusion of words, works or ideas in the context of respectful academic presentations and discussions whose educational goal is to promote the dissemination of knowledge" (35). And yet, the commission also admits that "Freedom of expression and academic freedom should be vigorously protected, *but not at the expense of silencing marginalized people and groups. There is no straightforward solution to this dilemma. Each case needs to be analyzed within its context*" ([Report of the Committee on Academic Freedom, 2021, 27](#), emphasis added).

Ultimately, the report cites Professor Craig Forcese, a full professor at the University of Ottawa in the Faculty of Law, in its strongest attempt to delineate the concepts of academic freedom and freedom of expression. Forcese says academic freedom is different from freedom of expression, and that academic freedom is "tied to the search for knowledge." Forcese defers to Universities Canada's definition, saying academic freedom must be based on "reasoned discourse, rigorous extensive research and scholarship, and peer review" and applicable standards. In his view, academic freedom ends at private activity, and freedom of expression rights would then step in and protect speech ([Report of the Committee on Academic Freedom, 2021, 22](#)).

Separation of Harassment/Discrimination & Academic Freedom Policies

For the fourth dimension of comparison, we examine the separation of policies between academic freedom and regulations of harassment and discrimination. This analysis demonstrates that within faculty policies on academic freedom there is sometimes an overlap between academic freedom and harassment and discrimination. For example, the two concepts could be placed in the same article sections and thereby mislead those who read it. While it is not easy to confuse academic freedom for harassment and discrimination, it is sometimes easy (for those who are unfamiliar with academic freedom) to mistake the latter for an application of the former). Namely, we are concerned with whether academic freedom is distinguished or explicit from harassment and discrimination, and if not, whether harassment and discrimination policies include prescriptions of academic freedom.

In this review, we separate our analysis into two sections, divided regionally from east to west, focusing mainly on university collective agreements. We find that within our research focus of 23 universities across Canada, 9 universities do not mention harassment and discrimination articles in the academic freedom policy ([University of Toronto](#), [Western University](#), [University of Ottawa](#), [McGill University](#), [Université de Laval](#), [Université de Montréal](#), and [Université de Québec a Montréal](#)), and only 2 of the 23 do not separate harassment and discrimination from their policies on academic freedom ([University of Toronto](#) and [Western University](#)). Considering the possible overlaps between the two subjects, we do not think that harassment and discrimination policies are, for the most part, interchangeable with academic freedom policies, as can be seen in Figure 3. A detailed breakdown based on the institution can be found in the Appendix, Table 1.

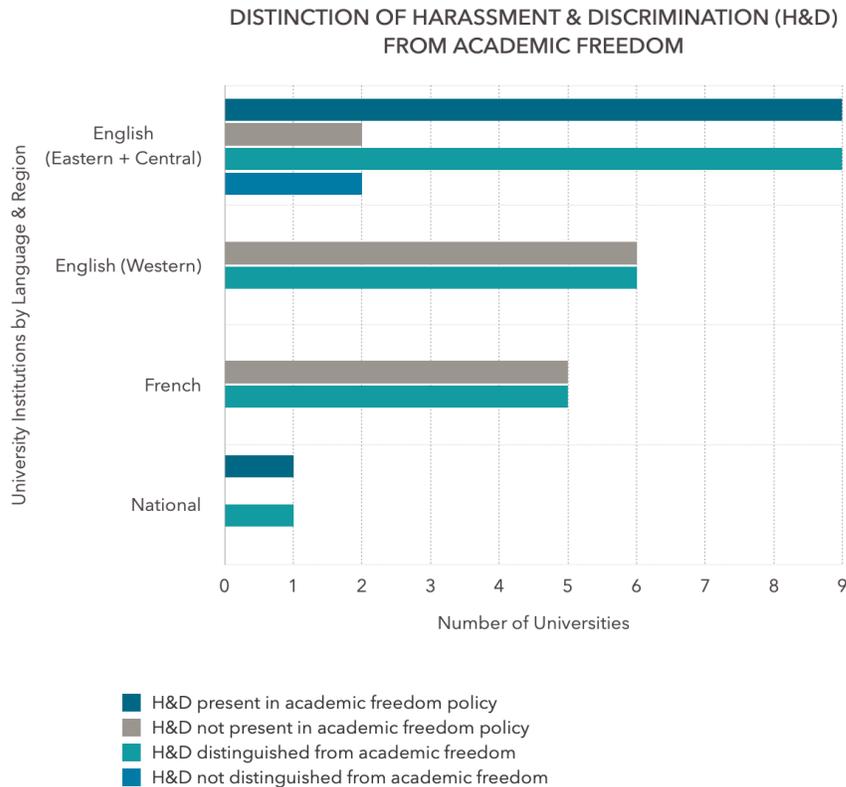


Figure 3. Overview of separation of harassment and discrimination

Central and Eastern English-speaking universities such as the University of Guelph, University of Winnipeg, Trent University, Carleton University, Saint Mary’s University, and Queens University each mention sections (within articles) on harassment and discrimination that are separate from academic freedom within the faculty collective agreement. For example, the University of Winnipeg has different articles distinguishing academic freedom from harassment and discrimination policies ([Faculty Collective Agreement 2020, 11](#)). Memorial University has a specific non-discrimination clause under their article on academic freedom, as well as separate policies on discrimination and harassment in both their faculty collective agreements and university-wide policies ([Collective Agreement 2020, 24](#)). The University of Toronto, on the other end of the scale, mentions harassment and discrimination in its [Freedom of Speech Statement \(1992\)](#) but does not provide explicit separations from academic freedom (2). Both George Brown University and McMaster University outline policies on academic freedom outside of faculty collective agreements, and neither make any reference to discrimination and harassment in these academic freedom policies. For both schools, university policy on discrimination and harassment is entirely external to their policies on academic freedom.

We separately consider Eastern French-speaking universities including University of Ottawa, McGill University, Université Laval, Université de Montréal, and Université du Québec à Montréal. University of Ottawa is a prime example of distinguishing between academic freedom and harassment/discrimination by using a separate document for its [Policy 67a -](#)

[Prevention of Harassment and Discrimination \(2012\)](#). French-speaking universities use separate documents to report the two subjects, and because of this they do not overlap with academic freedom. However, since they do not include harassment and discrimination as separate articles within larger documents on academic freedom, these documents are more difficult to access in general.

Amongst the universities in the Western region, there is almost complete homogeneity in academic freedom policy in relation to discrimination and harassment policy. University of Victoria, University of Alberta, Simon Fraser University, University of Lethbridge, and Mount Royal University all outline academic freedom in faculty collective agreements with the university, and only apply academic freedom to faculty. None of the aforementioned universities reference discrimination and harassment in these policies, they instead employ separate policies on the topic. University of British Columbia is a stand alone in this analysis group, as it is the only Western university to grant academic freedom to all members of the university; policies on discrimination and harassment are also separated from academic freedom. ([The University of British Columbia Academic Initiatives, Academic Freedom, 2021](#)).

On a national level, the Canadian Association of University Teachers (CAUT) makes broader claims about the implications of academic freedom and the relationship to discrimination and harassment than the other institutions analyzed in this report. Specifically, CAUT relates their policy statement on [Academic Freedom and Respectful Workplace Policies \(2018\)](#), to the potential dangers and limits that can be imposed onto academic freedom under the notion of discrimination and “respectful workplace policies.” This provides a vital consideration to undertake when producing recommendations for more comprehensive academic freedom and discrimination policies.

By and large, Canadian universities have a clear distinction in policy between academic freedom and issues related to discrimination and harassment. We find sometimes a disjunction between English-speaking universities and French-speaking universities regarding the separation between academic freedom and harassment and discrimination policies. Although we have speculated a confusion of the two concepts, they are generally separated from each other and easily distinguishable. Moreover, it is important to note here the role of academic exclusion to faculty, which is present in 64% of the institutions analyzed in this report. According to the CAUT, this separation is strongly beneficial from an employment standpoint, yet, it is unclear if the same remains true when intersected with student academic freedom ([Academic Freedom and Respectful Workplace Policies, 2018](#)). The prevalence of discrimination and harassment university policies beyond faculty agreements speaks to the vulnerable nature of students at universities, who are further subject, beyond identity politics, subject to power asymmetry between themselves and faculty or other members of the university. With the important and necessary expansion of academic freedom beyond faculty to student inclusion, it may be important to reconsider the relationship between discrimination and academic freedom in student experience to properly reflect and protect students in policy.

Conclusion

Academic freedom has become an increasingly used concept that is continued to be contested in a polarized political climate. In its most basic sense, it refers to the rights for scholars to express their ideas without the risk of interference. As discussed, this expression of ideas can take shape in many forms, including teaching, writing and discussing. However, the definition of academic freedom across Canadian universities contains a variance in terminology, leading to multiple interpretations. The ambiguity can pose a risk to potential abuses and variance in application, dependent on the institution.

In addition, it is not enough that universities have academic freedom policies established. Policies that are of the greatest value are those that are most inclusive in who they apply to. A comprehensive academic freedom policy should therefore be inclusive to every member of the institution to prevent limiting the prospects of knowledge-production from any group. Universities should also consider expanding their policies to explicitly cover more areas of post-secondary education, such as artistic expression and student grading, in the efforts to close any gaps that leave scholars vulnerable to future interference.

Furthermore, academic freedom and freedom of expression are often confused as they contain many similar themes, generally speaking, the right to dissemination without interference. However, they are separate concepts, in which the latter is a legally protected right, and the former is granted by university institutions. These two concepts can conflict with each other. Thus, it is important that universities clearly distinguish between the two concepts to inform institutional response during instances of conflict, especially those involving marginalized communities, as seen through the case at the University of Ottawa ([Montgomery, 2020](#)).

Lastly, despite the general distinction between academic freedom and policies of harassment and discrimination, there are potential dangers to academic freedom under the notion of discrimination and “respectful workplace policies.” While faculty remain protected, students become vulnerable if not comprehensively covered in both policies. Therefore, universities should consider the expansion of academic freedom beyond faculty to student inclusion and add more nuance to the relationship between discrimination and academic freedom in student experience to properly reflect and protect students in policy.

Overall, this research project has done an extensive comparison noting several shortcomings in the terminology, scope, and the relationship between key relevant policies. Future research could focus on the current application of these policies and possible ways to implement solutions to the issues outlined above. Analyzing more case studies related to academic freedom can inform individual institutional policy weaknesses, and looking at policy implementation can focus on the current barriers in place to create better structured and wholly protective higher education academic freedom policies.

References

Cambridge Dictionary. "Doctrine."

<https://dictionary.cambridge.org/dictionary/english/doctrine>

Government of Canada, Department of Justice. "The Canadian Charter of Rights and Freedoms." Section 2(b). 2021.

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/check/art2b.html>.

Le Conseil supérieur de l'éducation. "Mémoire sur la liberté académique en enseignement supérieur." 2021.

<https://www.cse.gouv.qc.ca/wp-content/uploads/2021/06/50-0545-ME-liberte-academique.pdf>

Ministère de l'Enseignement supérieur. "L'université québécoise du futur - Tendances, enjeux, pistes d'action et recommandations." 2020.

<https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/education/publications-adm/rapport-reflexion-consultation/Rapport-universite-quebecoise-futur.pdf?1613746721>

Savage, Donald C. and Patricia A. Finn. "The Road to 1997 UNESCO Statement on Academic Freedom." Canadian Association of University Teachers.

https://www.caut.ca/sites/default/files/unesco_en_insidepages_final2017-09-11.pdf

"Universal Declaration of Human Rights." Article 19. 1948.

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

"UNESCO Recommendation concerning the Status of Higher-education Teaching Personnel." 1998.

<https://unesdoc.unesco.org/ark:/48223/pf0000113234.page=2>

Canadian Association of University Teachers

"Academic Freedom Policy Statement." 2018.

<https://www.caut.ca/about-us/caut-policy/lists/caut-policy-statements/policy-statement-on-academic-freedom>.

"Academic Freedom and Respectful Workplace Policies." 2018.

<https://www.caut.ca/content/academic-freedom-and-respectful-workplace-policies>.

Carleton University

"Collective Agreement Carleton University." Article 4. 2021.

<https://carleton.ca/hr/wp-content/uploads/WEB-CUASA-2017-2021-CA.pdf>.

"Freedom of Speech Policy." 2018.

<https://carleton.ca/secretariat/wp-content/uploads/Freedom-of-Speech.pdf>

"Policy Name: Student Rights and Responsibilities Policy." 2020.

<https://carleton.ca/secretariat/wp-content/uploads/Students-Rights-and-Responsibilities-Policy.pdf>.

George Brown College

"Employee Code of Conduct Academic Staff - George Brown College." Section 6. 2004.

https://www.georgebrown.ca/sites/default/files/policies/employee_code_of_conduct_academic_staff.pdf.

"Freedom of Expression Policy." 2019.

<https://www.georgebrown.ca/media/5571>

McGill University

"Policy on Harassment and Discrimination." 2005.

https://www.mcgill.ca/secretariat/files/secretariat/policy_on_harassment_and_discrimination.pdf

"Statement of Academic Freedom." n.d.

<https://www.mcgill.ca/secretariat/statement-academic-freedom>

"Statement of Principles Concerning Freedom of Expression and Freedom of Peaceful Assembly." 2013.

https://www.mcgill.ca/secretariat/files/secretariat/a_statement-of-principles_concerning_freedom_of_expression_and_peaceful_assembly_1.pdf

McMaster University

"Freedom of Expression Frequently Asked Questions" Are there limits to Freedom of Expression or Free Speech? n.d.

<https://president.mcmaster.ca/freedom-of-expression/#tab-content-frequently-asked-questions>

"Statement on Academic Freedom - McMaster University." 2011.

<https://secretariat.mcmaster.ca/app/uploads/SPS-E1-Statement-on-Academic-Freedom.pdf>.

Memorial University

"Collective Agreement Memorial University of Newfoundland." Article 2. 2020.
https://www.mun.ca/facultyrelations/academic/asm/Final_MUN-MUNFA_CA_2019.pdf.

"Memorial University Student Code of Conduct" Point 5(e). 2014
https://www.mun.ca/student/media/production/memorial/administrative/student-life/files/supports-services/respect/Student_Code_of_Conduct_May_11_2017.pdf

Mount Royal University

"Collective Agreement Mount Royal Faculty." Article 23. 2018.
https://www.mtroyal.ca/EmploymentCareers/HumanResources/pdfs/mrfa_2018_to_2020.pdf.

"Expression and Free Speech Policy." 2019.
<https://www.mtroyal.ca/AboutMountRoyal/OfficesGovernance/OfficePresident/expression-and-free-speech.htm>

"Q&A MRU Expression and Free Speech Policy." What is the distinction between 'academic freedom' and 'expression and free speech'? N.d.
<https://www.mtroyal.ca/AboutMountRoyal/OfficesGovernance/OfficePresident/q-a-expression-and-free-speech-policy.htm#collapse-766>

Simon Fraser University

"Collective Agreement Simon Fraser University." Article 12. 2019.
https://www.sfufa.ca/wp-content/uploads/2021/04/CA2019_2022-1.pdf

"Student Code of Conduct." Section 3.2. 2018.
<http://www.sfu.ca/policies/gazette/student/s10-05.html>

St Mary's University

"Collective Agreement - St Mary's University." Article 4. 2021.
<https://www.stmu.ca/wp-content/uploads/2019/01/Collective-Agreement.pdf>.

"Student Code of Conduct." Section C, Page. 3. 2020.
https://www.smu.ca/webfiles/8-1020_CodeOfStudentConduct.pdf

Trent University

"Collective Agreement Trent University." Article 1. 2019.
<https://www.trentfaculty.ca/wp-content/uploads/2020/08/TUFA-CA-2019-22-Final.pdf>.

"Free Speech Policy." 2018.

<https://www.trentu.ca/governance/sites/trentu.ca.governance/files/documents/Free%20Speech%20Policy%20-%20ACCESSIBLE.pdf>

Université de Montréal

"Convention Collective Intervenue entre L'université de Montréal et le Syndicat Général des Professeurs et Professeures de L'université de Montréal (SGPUM)." Article RC 6. 2017.
https://rh.umontreal.ca/fileadmin/ressourceshumaines/documents/conventions_et_ententes/Convention_collective_SGPUM.pdf

Gaudreault-DesBiens, Jean-François. "Les libertés universitaires dans une université inclusive." 2020.
https://www.umontreal.ca/public/www/images/diversite/documents/RAPPORTFINAL-LI BUNIV-JFGDLB-MARS_2020.pdf

"La liberté d'expression en contexte universitaire." 2021.
<https://www.umontreal.ca/missiondirecteur/>

Université du Québec à Montréal

"Convention Collective entre L'université du Québec à Montréal et le Syndicat des Professeurs et Professeures de L'université du Québec à Montréal." Article 5. 2018.
https://spuq.uqam.ca/conventions_collectives/professeurs/5

"Mémoire sur la liberté académique: Syndicat des professeures et professeurs enseignants de l'UQAM (SPPEUQAM-CSN)." July 8, 2021.
https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/education/publications-adm/enseignement-superieur/organismes-lies/29_SPPEUQAM_20210708.pdf?1629733517

"Message de la rectrice sur la liberté universitaire." February 15, 2021.
<https://www.actualites.uqam.ca/2021/message-de-la-rectrice-sur-la-liberte-universitaire>

"Politique sur le respect des personnes, la prévention et l'intervention en matière de harcèlement." Politique no 42. 2005.
https://instances.uqam.ca/wp-content/uploads/sites/47/2018/05/Politique_no_42.pdf

Université Laval

"Énoncé institutionnel sur la protection et la valorisation de la liberté d'expression à l'Université Laval." 2021.
<https://www.ulaval.ca/sites/default/files/notre-universite/direction-gouv/Documents%20>

[officiels/Directives%2C%20procédures%20et%20autres/enonce-protection-valorisation-liberte-expression.pdf](#)

“Protégeons la liberté académique.” n.d.

<https://www.ulaval.ca/notre-universite/liberte-academique>

University of Alberta

“Collective Agreement University of Alberta.” Article 3. 2018.

<https://www.ualberta.ca/human-resources-health-safety-environment/media-library/my-employment/agreements/university-aasua-2018-2020-collective-agreement.pdf>.

“Statement on Free Expression at the University of Alberta.” 2019.

<https://www.ualberta.ca/provost/policies-and-procedures/freedom-of-expression/index.html>

University of British Columbia

“UBC Academic Freedom FAQ.” Question 8. n.d.

<https://academic.ubc.ca/academic-freedom/frequently-asked-questions>.

“UBC Academic Initiative: Academic Freedom.” 2021.

<https://academic.ubc.ca/academic-freedom>

University of Guelph

“Collective Agreements University of Guelph.” Article 7. 2021.

<https://www.uoguelph.ca/facultyrelations/collective-agreements>.

“Policy Statement on Freedom of Expression.” Policy 1.2. 2018.

<https://www.uoguelph.ca/secretariat/policy/1.2>

University of Lethbridge

“Collective Agreement University of Lethbridge.” Article 11. 2018.

https://www.ulethbridge.ca/sites/default/files/2019/10/2018-2020-academic-staff-collective-agreement_1.pdf.

“Statement on Free Expression.” 2019.

<https://www.ulethbridge.ca/policy/resources/statement-free-expression>

University of Ottawa

"Collective Agreement between the University of Ottawa and the Association of Professors of the University of Ottawa (APUO)." Article 9. 2018.

https://www.uottawa.ca/human-resources/sites/www.uottawa.ca.human-resources/files/apuo_convention_collective_agreement_2018-2021.pdf

Montgomery, Marc. "The N-Word Controversy and Freedom of Speech Hits Academia." RCI. Radio Canada International, October 27, 2020.

<https://www.rcinet.ca/en/2020/10/27/the-n-word-controversy-and-freedom-of-speech-hits-academia/>.

"Ont signé "L'UdO bannit un mot : enseigner dans le champ miné de l'arbitraire." October 29, 2020.

<https://www.ledevoir.com/documents/pdf/2020-10-19-signatures-protestation-mot-banni-a-l-UdO.pdf?fbclid=IwAR1VdMpU3os9b9oVwX5qQY3CwGZGVfK2oqYKG0aokuprFRiZOoYuiqeqFq8>

"Open Letter: L'udo Bannit Un Mot : Enseigner Dans Le Champ Miné De L'arbitraire." Le Droit, October 26, 2020.

<https://www.ledroit.com/2020/10/20/ludo-bannit-un-mot--enseigner-dans-le-champ-mine-de-larbitraire-7d666d18012c81ca9b0263ac58b86a65>.

"Statement on Free Expression." Policy 121. 2018.

<https://www.uottawa.ca/administration-and-governance/policy-121-statement-free-expression>

"Prevention of Harassment and Discrimination." Policy 67a. 2012.

<https://www.uottawa.ca/administration-and-governance/policy-67a-prevention-of-harassment-and-discrimination>

"Report of the Committee on Academic Freedom." 2021.

https://www.uottawa.ca/sites/www.uottawa.ca/files/report_committee_academic_freedom_en_final_v8_1.pdf.

University of Toronto

"Statement on Freedom of Speech." 1992.

<https://governingcouncil.utoronto.ca/secretariat/policies/freedom-speech-statement-may-28-1992>.

"Faculty Association, Memorandum of Agreement, Governing Council and the University of Toronto Faculty Association." Article 5. 2016.

<https://governingcouncil.utoronto.ca/secretariat/policies/faculty-association-memorandum-agreement-governing-council-and-university>.

University of Victoria

"Collective Agreement University of Victoria." Section 14. 2019.

<https://www.uvic.ca/vpacademic/assets/docs/Collective%20Agreement.pdf>

"UVic's Strategic Framework." 2018.

<https://www.uvic.ca/strategicframework/>

University of Winnipeg

"Collective Agreement University of Winnipeg." Article 7. 2020.

<https://www.uwinnipeg.ca/hr/docs/uwfa/Web-Final-UWFA-RAS-2016-20201.pdf>.

"Respectful Working and Learning Environment Policy." Page 7. 2013.

<https://www.uwinnipeg.ca/respect/respect-policy.html>

Western University

"Collective Agreement Western University." Page 6. 2018.

https://uwo.ca/facultyrelations/faculty_relations/faculty/collective_agreement.html.

"Freedom of Expression Policy." Policy 1.54. 2018.

https://www.uwo.ca/univsec/pdf/policies_procedures/section1/mapp154.pdf

Queen's University

"Queens QUFA Collective Agreement." Article 14. 2021.

<https://www.queensu.ca/facultyrelations/queens-university-faculty-association-qufa/queens-qufa-collective-agreement>.

"Free Expression at Queen's University." 2018.

<https://www.queensu.ca/secretariat/policies/administration-and-operations/free-expression-queens-university>

APPENDIX

Table 1. Individual Institutional Comparison of Academic Freedom Policies

Region	National	Atlantic		Eastern (Ontario + Central)									Quebec				West							
Institution	CAUT	Memo.	St. M	GBC	Carl.	MM	Q's	Trent	UG	UofT	West.	Winn.	uOtt	McGill	Laval	Montr.	UQAM	MRU	SFU	UofA	UBC	Lethb.	UVic	
Definition of Academic Freedom																								
UNESCO definition																								
Focus of Academic Freedom																								
Inclusion of students																								
Inclusion of Freedom of Expression																								
Freedom of expression/speech																								
Freedom to research and publish																								
Freedom to teach																								
Freedom in discussion																								
Freedom from interference																								
Freedom of opinion/criticism																								
Separation of Freedom of Expression																								
No distinction																								
Limitation stated																								
Clear distinction																								
Separation of H&D*																								
H&D present																								
H&D distinguished																								

*H&D - Harassment and Discrimination

Note: Data was collected from the various collective agreements, student union policies, and Freedom of Expression/Speech policies which can be found per university in the References Section.